

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr250

UNITED STATES OF AMERICA

vs.

TRACY LYNN PETTY (5)

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ORDER

THIS MATTER is before the Court upon letter of the defendant, pro se, received on January 25, 2007, requesting that the Court modify its sentence.

This matter is pending on appeal. (Doc. No. 462: Notice of Appeal). The letter does not seek correction of the judgment pursuant to Fed. R. Crim. P. 35(a). Accordingly, the Court does not have jurisdiction to consider the defendant's request for leniency. Fed. R. App. P. 4(b)(5). Even if the Court had jurisdiction, having considered the defendant's arguments and the entire record in this case, it would not exercise its discretion to alter the sentence.

IT IS, THEREFORE, ORDERED that the defendant's request is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: February 16, 2007



Robert J. Conrad, Jr.
Chief United States District Judge

